

REMARKS/ARGUMENTS

The Non-final Office Action of August 26, 2008, has been carefully reviewed and these remarks are responsive thereto. In response, Applicant respectfully traverses the rejection in view of the remarks that follow. Claims 19, 22-34, 41, 45-47, and 49-52 have been amended. Claims 36-40 and 48 have been canceled without prejudice or disclaimer. Claims 1-18, 20-21, 35, 42-44 were previously canceled. Claims 19, 22-34, 41, 45-47 and 49-52 remain pending in the instant application. Claim 53 has been added. No new matter has been added. Reconsideration and allowance of the application are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 19, 22-24, 28, 29, 34-39, 41 and 45-52

Claims 19, 22-24, 28, 29, 34-39, 41 and 45-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,265 to Rangan et al. (“Rangan”) in view of Applicant’s background (“AAPA”) and in further view of U.S. Patent No. 6,332,127 to Bandera et al. (“Bandera”). Applicant respectfully traverses.

In Applicant’s previous response (Response and Request for Continued Examination dated June 13, 2008), an argument with respect to claim 19 was presented to distinguish the prior art based upon the fact that neither Rangan, AAPA, nor Bandera disclosed the feature of two networks. As previously stated, “enabling the mobile terminal to display the related content, the related content being provided over the mobile communication network” while providing “video. . . via the digital broadcasting network” as recited in claim 19 is not taught or suggested by any combination of the prior art. However, such an argument was not found to be persuasive in view of Bandera, col. 6, lines 43-67, col. 7, line 1 to col. 8, line 24 (See page 4 of the Office Action).

Applicant respectfully requests reconsideration in view of the amendment to claim 19 and the explicit disclosure of Bandera.

Amended claim 19 now recites, *inter alia*, wherein the mobile communication network is a different network than the digital broadcasting network. Applicant has included this feature to further clarify the distinguishing aspects of the claims and to expedite prosecution. The Office Action alleges that a combination of Rangan and AAPA discloses a digital broadcasting network and Bandera discloses a mobile communication network. However, neither reference discusses

the usage of two networks, let alone the feature of wherein the mobile communication network is a different network than the digital broadcasting network.

Even assuming but not admitting that Rangan (or a combination of Rangan and AAPA) discloses that video is received via a digital broadcasting network, the feature of wherein the mobile communication network is a different network than the digital broadcasting network as recited in claim 19 is not contemplated. The system of Rangan is fully performed by one network. As such, it follows that Rangan fails to discuss the usage of multiple networks. Even assuming, but not conceding that the interpretation given to AAPA by the Office Action is proper, AAPA does not discuss, and is not alleged to disclose two networks as recited in claim 19. Thus, any combination of Rangan and AAPA, even assuming proper, fails to teach or suggest the feature of claim 19, namely that the mobile communication network is a different network than the digital broadcasting network.

Significantly, Bandera fails to cure the deficiency of Rangan and the AAPA. Similarly, Bandera fails to teach or suggest multiple networks, let alone the features of claim 19. Bandera contemplates “networks” only as it relates to the Internet or network registry. Even assuming arguendo that the network discussed in Bandera constitutes a “mobile communication network”, one skilled in the art would not have been motivated to utilize a second, different network even in view of Rangan/AAPA. Notably, Bandera’s disclosed functionality (e.g., downloading of web-pages and/or GPS capability) is performable by the system alleged by the Office Action as resulting from a combination of Rangan and AAPA (compare, e.g., Action’s interpretation of Rangan/AAPA stating it would have been obvious to provide services of Rangan over 3G network as it allows greater bandwidth to browse websites on the internet (which inherently requires sending of a webpage request) and col. 7, lines 14-16 of Bandera which discuss that the identification of the user location is sent to the web server in an http header as part of a webpage request). Stated differently, Bandera’s network is compatible with Rangan/AAPA’s alleged 3G network and without more, it would not have been obvious to one skilled in the art to introduce a second, different network, much less performing the method of claim 19 over two networks, wherein the mobile communication network is a different network than the digital broadcasting network. As such, amended claim 19 is distinguishable from any combination of Rangan, AAPA, and Bandera.

Independent claims 28, 34, 41, 50 and 52 have been amended to recite features similar to those discussed above with respect to claim 19 and are allowable for at least the same reasons as claim 19.

Claims 22-24, 29, 45-47, 49 and 51 ultimately depend on claims 19, 28, 34, 41 and 50 and are allowable for at least the same reasons as their base claims and in further view of the advantageous features recited therein.

Claims 36-39 and 48 have been canceled without disclaimer or prejudice.

Claims 25-27, 30-33 and 40

Claims 25-27, 30-33 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rangan in view Bandera and further in view of U.S. Patent No. 6,198,935 to Saha et al. ("Saha") Applicant respectfully traverses.

Claim 40 has been canceled without prejudice or disclaimer. Claims 25-27 and 30-33 ultimately depend on claims 19 and 28. Saha fails to cure the deficiency of Rangan, AAPA, and Bandera with respect to claims 19 and 28. As such, claims 25-27 and 30-33 are allowable for at least the same reasons as their base claims and in further view of their advantageous features recited therein.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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